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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,877	05/30/2001	Jesse Ambrose	OIC0157C1US	4487

60975 7590 02/21/2008	EXAMINER
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ART UNIT	PAPER NUMBER
2178	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/866,877	AMBROSE ET AL.
	Examiner	Art Unit	
	Adam M. Queler	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>26 November 2007</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *21-24,28-32,34 and 35* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *21-24,28-32,34 and 35* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All   b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
      Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
      Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 08-06)   Office Action Summary   Part of Paper No./Mail Date 20080205

DETAILED ACTION

1.   This action is responsive to communications: Amendment filed 11/26/2007.

2.   Claims 21-24, 28-32, 34 and 35 are pending. Claims 21 and 28 are independent claims.

3.   The rejection of claims 28-32 under §112 are withdrawn in view of Applicant's remarks.

Specification

4.   The use of the trademark Unix® has been noted in this application. It should be

capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary

nature of the marks should be respected and every effort made to prevent their use in any manner

which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 112

5.   **Claims 21-24 and 34-35 are rejected under 35 U.S.C. 112, second paragraph, as**

being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

The independent claim also introduce "thin client user interface," language that is similar

to that which was previously removed to overcome §112 2nd paragraph rejections. Although the

"user interfaces" language appears to alleviate previous inconsistencies between the specification

language and claimed "thin clients", the term "thin client user interface" in the claims is still a

relative term which renders the claim indefinite. The term is not defined by the claim, the

specification does not provide a standard for ascertaining the requisite degree, and one of

ordinary skill in the art would not be reasonably appraised of the scope of the invention.

Applicant previously pointed to a 9 page passage that allegedly sets forth the standard fro

ascertaining the requisite degree. This section itself is filled with relative terms that seek to

define a thin client. For example, "a very small software footprint", "minimal amounts of RAM

and CPU". These relative terms cannot set the requisite standard since they themselves are

relative terms. For examining purposes only, the browser interfaces of Bayeh will be construed

as such an interface.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

7.   **Claims 21-24,28,31,32,34 and 35 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Bayeh et al. (US006633914B1). Microsoft TechNet, "Transmission

Control Protocol" hereinafter TechNet is cited as evidence regarding TCP.

Regarding independent claim(s) 21, Bayeh teaches at least a first and second client computer

(Fig. 2, 30a-c). Bayeh teaches a server comprising a memory (col. 3, line 44, configuration

similar to client col. 4, ll. 27-28). Bayeh teaches a server comprising an object manager (web

server) comprising business objects that contain business logic, (servlets col. 4, ll. 49-64). Bayeh

teaches the server handles the requests from the clients and dispatches them to the servlets or

objects (col. 5, ll. 2-15), as well tracks whether they are in-use (col. 1, ll. 60-62), and therefore

provides common control and monitoring. Bayeh teaches at least a first and second request,

inherently comprising a first and second data that define the request, which are entered by thin

client user interfaces (Web Clients, col. 5, ll. 2-6). Bayeh teaches that each object returns results

(col. 6, ll. 5-8). Therefore the requests were processed in accordance with the object, and

received by the object manager and forwarded to the client. Bayeh teaches the connections are

TCP connections. TechNet is cited as evidence that a TCP connection is a session-based

connection (p. 1, last bullet and "How TCP works", para. 2).

Bayeh does explicitly disclose repeating the above steps for a third and fourth request.

However, it would have been obvious to one of ordinary skill in the art at the time of the

invention to repeat the steps described above for the first and second step, and apply them to a

third and fourth request, via the first and second session-based network connections,

respectively, because Bayeh expressly suggests leaving a connection open so that another request

(the third and fourth, respectively) can use the connection (col. 6, ll. 22-23).

Regarding independent claim(s) 28, Bayeh teaches a server comprising an object manager, the

web server, comprising business objects that contain business logic, the servlets (col. 4, ll. 49-

64). Bayeh teaches the server handles the requests from the clients and dispatches them to the

servlets or objects (col. 5, ll. 2-15), as well tracks whether they are in-use (col. 1, ll. 60-62), and

therefore provides common control and monitoring. Bayeh teaches at least a first and second

request (col. 5, ll. 2-6), inherently comprising a first and second data that define the request, from

a first and second client computers (Fig. 2, 30a-c). Bayeh teaches that each object returns results

(col. 6, ll. 5-8). Therefore the requests were processed in accordance with the object, and

received by the object manager and forwarded to the client. Bayeh teaches the connections are

TCP connections. TechNet is cited as evidence that a TCP connection is a session-based

connection (p. 1, last bullet and "How TCP works", para. 2).

Bayeh does explicitly disclose repeating the above steps for a third and fourth request. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to repeat the steps described above for the first and second step, and apply them to a third and fourth request, via the first and second session-based network connections, respectively, because Bayeh expressly suggests leaving a connection open so that another request (the third and fourth, respectively) can use the connection (col. 6, ll. 22-23).

Regarding dependent claim(s) 22, Bayeh teaches the object manger is multi-threaded, and therefore inherently multi-tasking (col. 1, ll. 52-55).

Regarding dependent claim(s) 23, 24, 34 and 35, Bayeh teaches the clients are at least two different types of client technology (col. 4, ll. 6-9).

Regarding dependent claim(s) 31 and 32, Bayeh does not expressly describe a sales business object or customer service business object. The broadest reasonable interpretations of these objects are objects that return results pertinent to sales and customer service, respectively. Bayeh instead teaches a general object and is silent as to the type of data being received. However, these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. All the functions of the apparatus would be performed the same way regardless of whether the objects returned sales data, customer service data, or any type of data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to return results of any category (including sales and customer service), therefore having

any category of object (including a sales business object and a customer service business object) because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

8.   Claims 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bayeh in view of Applicant's Admitted Prior Art.

Regarding dependent claim(s) 29, Bayeh does not specifically mention encryption, however does operate under the HTTP protocol. Applicant admits (as per MPEP 2144.03.C, no traversal of Official Notice of 06/02/2006 is taken as an admission) that HTTPS an encrypted version of HTTTP was well-known and frequently used in place of HTTP when security was necessary at the time of the invention. It would have been obvious to one of ordinary skill in the art at the time of the invention to use HTTPS rather the HTTP to prevent unauthorized data intrusion, a well-known desirable goal at the time of the invention.

Regarding dependent claim(s) 30, Bayeh does not specifically mention authentication, however does operate under the HTTP protocol. Applicant admits (as per MPEP 2144.03.C, no traversal of Official Notice of 06/02/2006 is taken as an admission) that HTTP requests requiring authentication were well-known and frequently used when security was necessary at the time of the invention. It would have been obvious to one of ordinary skill in the art at the time of the invention to use HTTP authentication to prevent unauthorized data intrusion, a well-known desirable goal at the time of the invention.

Response to Arguments

9.   Applicant's arguments filed 7/17/2007 have been fully considered but they are not persuasive.

Regarding Applicant's remarks on §112 rejections:

Applicant alleges that one of ordinary skill in the art would understand the scope of "thin

client." Applicant's explanation relies on the allegation that one of ordinary skill would interpret

that the client "depends **primarily** on the central server for processing activities, and **mainly**

focuses on conveying input and output." Assuming *arguendo* the correctness of Applicant's

allegation, this still takes into account relative terms. How much processing has to be on the

server? How much additional processing can the client do? These are all questions one of

ordinary skill in the art would have to ask, and the specification does not provide the answers.

Regarding Applicant's remarks on claims 21 and 28:

Applicant alleges the amendments overcome the prior art. The additional limitations

recite essentially that a third and fourth request are handled in an identical manner to the first and

second request, using the first and second connections. Bayeh provides an explicit suggestion to

carryout these limitations (col. 6, ll. 22-23).

Conclusion

10.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37
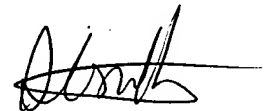
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

11.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Adam M. Queler whose telephone number is (571) 272-4140.

The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AQ

STEPHEN HONG
SUPERVISORY PATENT EXAMINER